

Rule 375-3-1-.02. Applications and Supporting Documentation

1. Customers applying for issuance or renewal of any driver's license permit or identification card issued by the Department shall complete a written application in a form to be determined by the Department. Such application shall require the applicant to indicate the following:

(a) Whether he or she has ever been issued a driver's license by the State of Georgia or any other state or agency, and if so, the date and place of issuance with the license number, if known;

(b) Whether he or she has taken any previous driver's license examination in any jurisdiction;

(c) Whether any previously issued license, whether issued by the State of Georgia or any other state or licensing agency, has ever been revoked, suspended or canceled, or whether any application for a motor vehicle driver's license has ever been denied. The application shall state the cause for revocation, suspension, cancellation or denial, the circumstances surrounding the action taken, the number of times such action has been taken and whether the license has been re- issued or application granted; and

2. Applications executed pursuant to Paragraph (1) shall include a declaration under penalty of perjury that the information contained in the application is true and correct.

3. Each application must be supported by documentation of the customer's identity, specifically his or her name and date of birth. Documents that are acceptable include the following:

(a) Valid, unexpired U.S. passport;

(b) Certified copy of a birth certificate filed with the State Office of Vital Statistics or equivalent agency in the customer's state of birth;

(c) Consular Report of Birth Abroad issued by the U.S. Department of State, Form FS-240, DS-1350 or FS 545;

(d) Valid, unexpired Permanent Resident Card (form I-551) issued by the U.S. Department of Homeland Security (DHS) or Immigration and Naturalization Service (INS);

(e) Unexpired employment authorization document (EAD) issued by the DHS, Form I-766 or Form I-688B;

(f) Unexpired foreign passport with a valid unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States;

(g) Certificate of Naturalization issued by the DHS, Form N-550 or N-570; or

(h) Certificate of Citizenship, Form N-560 or N-561, issued by the DHS; or

(i) An uncertified copy of a state-issued birth certificate or a hospital or other commemorative birth certificate for a birth in the State of Georgia if such can be verified electronically with the records of the Georgia Department of Public Health. The driver's license, permit or identification card issued by the Department shall reflect the full legal name reflected on such documentation. If a customer's name has changed from the name listed in the document presented in satisfaction of this Paragraph, such change must be supported by documentation in the form of a marriage license, marriage license application, divorce decree, adoption decree, or other court order. Original or certified copies of documents are required.

4. Each customer must provide documentation of his or her social security number in one of the following forms:

(a) Social security card;

(b) W-2 form;

(c) SSA-1099 form;

(d) Non-SSA 1099 form; or

(e) Pay stub with the customer's name and social security number printed on it. Social security numbers provided pursuant to this paragraph shall be verified as required by 6 C.F.R. § 37.11(e)(2) and 6 C.F.R. § 37.13(b)(2). This paragraph shall not apply to non-citizen customers who are not eligible for issuance of a social security number due to their ineligibility to work pursuant to their immigration status. Customers claiming this exemption must provide documentation thereof from the Social Security Administration.

5. (a) Each customer must provide two (2) documents to substantiate residency in the State of Georgia. Such documents must contain the customer's name and residence address, and they must be dated by the sender or postmarked within two (2) years prior to the date on which they are presented. Renewal customers who are providing such documentation to satisfy the requirements of 6 C.F.R. §37.11 on or after July 1, 2013 may utilize any previously issued driver's license, permit, or identification card, and they may submit such documents electronically so long as the address reflected therein matches the address already reflected on such person's most recently issued driver's license, permit, or identification card.

(b) Customers may utilize an immediate family member's driver's license, permit, or identification card as one document to prove residency in the State of Georgia. For purposes of this paragraph, the term "immediate family member" shall include his or her parents and step-parents, siblings and step-siblings, children and step- children, and any other person who resides in the customer's home.

(c) The Department may accept a notarized application for a Georgia drivers' license, permit, or identification card as documentation to substantiate residency in the State of Georgia, provided the residential address as written on the application remains the same as the residential address already existing with the Department.

6. Each customer must provide documentation of his or her citizenship or lawful presence status in the United States. Pursuant to 6 C.F.R. 37.3 a person has lawful

status if he or she presents proof that he or she is a citizen or national of the United States; or an alien: lawfully admitted for permanent or temporary residence in the United States; with conditional permanent resident status in the United States; who has an approved application for asylum in the United States or has entered into the United States in refugee status; who has a valid nonimmigrant status in the United States; who has a pending application for asylum in the United States; who has a pending or approved application for temporary protected status (TPS) in the United States; who has approved deferred action status; or who has a pending application for lawful permanent residence (LPR) or conditional permanent resident status.

(a) The following documents shall suffice as proof of citizenship:

(i) Valid, unexpired U.S. passport;

(ii) Certified copy of a birth certificate filed with the State Office of Vital Statistics or equivalent agency in the customer's state of birth;

(iii) Consular Report of Birth Abroad issued by the U.S. Department of State, Form FS-240, DS-1350 or FS 545;

(iv) Certificate of Naturalization issued by the DHS, Form N-550 or N-570; or

(v) Certificate of Citizenship, Form N-560 or N-561, issued by the DHS.

(b) A valid, unexpired Permanent Resident Card (Form I-551) issued by the DHS or ~~INS~~ USCIS shall suffice as proof of lawful ~~presence~~ status in the United States. Non-citizen customers whose identities are proven using ~~any other document listed in Paragraph 3~~ an unexpired employment authorization document (EAD) issued by DHS, Form I-766 or Form I-688B; or an unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States; or a REAL ID driver's license or identification card issued in compliance with the standards established by 6 C.F.R. 37.11 must also present a second verifiable document issued by the DHS ~~that is acceptable pursuant to O.C.G.A. § 40-5-21.1. or other Federal agencies~~ demonstrating lawful status as determined by USCIS. All documentation of lawful

presence status is ~~subject to verification~~ required to be verified with the DHS' Systematic Alien Verification for Entitlements Program (SAVE) in the manner prescribed in § 37.13.

7. (a) In the event a customer is unable to satisfy the documentary requirements set forth herein, he or she may propose the use of alternative documents. Such requests shall contain a specific explanation of why the customer is unable to provide the documents, a showing that the alternative documents are equivalent to the documents required in the regulation and include copies of the documents proposed. The Department shall not accept alternative documentation as proof of lawful presence status in the United States.

(b) The Department shall not accept documents issued outside the United States except foreign passports. Notwithstanding the foregoing, if a customer cannot, for reasons beyond his or her control, present any other document as proof of his or her name, including changes thereto, such documentation shall be accepted pursuant to the foregoing exception process as documented on a form promulgated by the Department. Such documentation must be printed in English or translated into English by a professional translating service, non-profit corporation, consular official of the country of issuance, or other entity approved by the Department.

(c) Customers who have been designated as asylees by the United States Department of Homeland Security may satisfy the requirements for proof of identity, lawful presence status in the United States, and residency by providing the following:

- i. Original I-94 indicating asylee status; and
- ii. Proof of residency as set forth in paragraph 7, *supra*.

(d) Customers who have been designated as refugees by the United States Department of Homeland Security may satisfy the requirements for proof of identity, lawful presence status in the United States, and residency by providing the following:

- i. If the applicant is a refugee initially placed in the State of Georgia upon arrival in the United States:
 - (1) Original I-94 indicating refugee status;

(2) Reception and placement form identifying agency responsible for settling applicant in the State of Georgia; and

(3) Refugee Affidavit form bearing notarized signature of representative of the placement agency identified in the reception and placement form submitted to satisfy subparagraph (ii), supra, and containing applicant's residence address. The Department will notarize said forms at the Customer Service Center at which the applicant applies for said initial issuance if the placement agency does not have a notary on staff.

ii. If the applicant is a refugee age eighteen (18) or over who was initially placed in a state other than Georgia upon arrival in the United States, but who has since moved to the State of Georgia:

(1) Original I-94 indicating refugee status;

(2) Driver's license or identification card issued by previous state of residence; and

(3) Proof of residency as set forth in paragraph 7, supra.

iii. If the applicant is a refugee under age eighteen (18) who was initially placed in a state other than Georgia upon arrival in the United States, but who has since moved to the State of Georgia:

(1) Original I-94 indicating refugee status; and

(2) Proof of residency as set forth in paragraph 7, supra.

(e) If the applicant is a probationer, parolee or person who has been released from the custody of the Georgia Department of Corrections within the last sixty (60) days, and he or she is unable to provide one or both documents needed to prove his or her residency, he or she may prove his or her residence address by submitting confirmation thereof from an employee of the Department of Corrections or the State Board of Pardons and Paroles on the form designated by the Department.

(f) If the applicant is a resident of a nursing home or other medical care facility, and he or she is unable to provide both documents needed to prove his or her residency, he or she may prove his or her residence address as the address of such nursing home or medical care facility based upon confirmation thereof from the nursing home or medical care facility on its letterhead. Such confirmation must include the customer's name and date of birth, the address of the nursing home, the name and phone number of a representative thereof, and the signature of such representative.

(g) If the applicant is a homeless individual, he or she may utilize the address of a homeless shelter or other service provider upon confirmation thereof from the homeless shelter or care provider. Such confirmation must include the customer's name and date of birth, the address of the homeless shelter or care provider, the name and phone number of a representative thereof, and the signature of such representative.

(h) If the applicant is in the care of the Department of Human Services or the Department of Juvenile Justice, he or she may prove his or her residence address by submitting confirmation thereof from an employee of thereof.

(i) If an applicant for renewal of a license, permit, or identification card is incapacitated and physically unable to visit a customer service center in person, the Department may complete the application and issuance process by mail if the records of the Department include a usable photograph and signature image for the customer, and the customer submits documentation of his or her incapacitation and inability to visit a customer service center from a licensed physician.

(j) If the applicant was born prior to January 1, 1940, he or she may prove his or her name and date of birth utilizing an original discharge document from the military or a statement from the Social Security Administration containing the customer's name and date of birth.

(k) If the applicant became a United States citizen pursuant to the Child Citizenship Act of 2000 upon his or her adoption by a Georgia resident, then he or she may satisfy the requirements for proving his or her identity and citizenship by presenting a State of Georgia Certificate of Foreign Birth.

(l) If the applicant possesses a previously issued United States passport that has expired, but the expiration date is less than ten (10) years from the date on which he or she makes application for a license, permit, or identification card, then he or she may satisfy the requirements for proving his or her identity and citizenship by presenting such expired passport.

(m) If the applicant is age sixty (60) or more and has held a Georgia driver's license, permit, or identification card for at least twenty (20) years prior to making application for renewal thereof, he or she may prove his or her name and date of birth utilizing an original discharge document from the military or a statement from the Social Security Administration containing the customer's name and date of birth.

(n) As provided in 6 CFR part 37, if for reasons beyond the control of an applicant who has satisfied citizenship and is renewing their Georgia drivers' license, permit, or identification card cannot provide an identity document, the Department may accept a Georgia Driver's license, permit or identification card that is valid or has been expired less than two (2) years provided it bears the name that has previously been and continues to verify through the Social Security Administration and the applicants' photographs continue to match without incident, and use of such card is approved by an authorized managing supervisor of the Department.

8. Documentation of identity, citizenship, residency and social security number shall not apply to customers applying for the renewal of a driver's license, permit or identification card by means other than personal appearance, when authorized to do so by the Department.

9. ~~Each driver's license, permit or identification card issued shall contain a photograph of the person depicted therein. A customer may be photographed while wearing a veil, scarf, or headdress so long as it does not cover the area between~~

~~his or her eyebrows and chin. Customers' ears need not be uncovered. If a customer's headdress covers any portion of the area between his or her eyebrows and chin, he or she may be asked to adjust the headdress so that his or her face can be photographed. If the construction of a customer's headdress does not allow its placement to be altered to reveal this area, the customer may be asked to remove the headdress to be photographed or to return to the customer service center wearing another garment that can be adjusted for the photograph. The Department shall endeavor to accommodate any customers who object to being viewed or photographed by an employee of the opposite sex by having the photograph taken by an employee of the same sex as the customer and arrangements can be made for a photograph to be taken in private at Headquarters.~~

Authority: O.C.G.A. §§ 40-5-4, 40-5-101, 40-5-24

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The Purpose of this amendment is to update terms in the existing rule and clarify existing provisions related to documentation requirements and photographs on driver's licenses, permits, or identification cards.

DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES

References to Immigration and Naturalization Service (INS) have been updated to reflect the transfer of its functions to United States Citizenship and Immigration Services (USCIS). The term "presence" has been updated to "status" to reflect current language of the REAL ID Act. Terms defining lawful status under the REAL ID Act have been added to the rule. Language has been removed from the provision related to photographs and moved to another rule to clarify exceptions and restrictions.